

## 5. Declaration or oath

**NOTE:** *A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. ff 1.63(cO.*

- ☐ Enclosed
- ☐ newly executed
  - ☐ copy from parent application identified above
- Executed by (check all applicable boxes)
- ☐ inventor(s).
- ☐ legal representative of inventor(s).
- 37 CFR 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See Item 13 below for fee.

☒ Not Enclosed.

**NOTE:** *Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

- ☒ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s).
- (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

**NOTE:** *It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).*

- ☐ Showing that the filing is authorized.
- (not required unless called into question. 37 CFR 1.41(d))

## 6. Inventorship Statement

**WARNING:** *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

- ☐ is submitted.
- ☐ will be submitted.

## 7. Language

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

## 8. Assignment

☒ An assignment of the Invention to Curon Medical, Inc.

☐ is attached. A separate ☐ COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION or ☐ FORM PTO 1595 is also attached.

☐ will follow.

☒ was filed in the parent application identified above

**NOTE:** "If an assignment is submitted with a new application, send two separate letters - one for the application and one for the assignment" Notice of May 4, 1990 (1114 O.G. 77-78).

**WARNING:** A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b) must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 11,50 O.G. 62-64.

## 9. CERTIFIED COPY

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

**NOTE:** The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

**NOTE:** This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims 37 CFR 1.16(c)	22 -20 =	2	x \$ 18.00	36
Independent Claims (37 CFR 1.16(b))	3 - 3 =	3	x \$ 84.00	0
Multiple Dependent claim(s) if any (37 CFR 1.16(d))			+ \$280.00	0

- ☐ Amendment cancelling extra claims enclosed.  
☐ Amendment deleting multiple-dependencies enclosed.  
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation 740.00

B. ☐ Design application  
(\$320.00 - 37 CFR 1.16(f))

Filing Fee Calculation \_\_\_\_\_

C. ☐ Plant application  
(\$490.00 - 37 CFR 1.16(g))

Filing Fee Calculation \_\_\_\_\_

11. Small Entity Statement

☒ The applicant is a Small Entity as defined by 37 CFR 1.9 and 1.27 and is entitled to small entity status.  
☒ Small Entity Filing Fee: \$370.00

WARNING: "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).

NOTE: Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136, 37 CFR 1.28(a).